<u>**REMARKS/ARGUMENTS**</u>

Applicants respectfully request reconsideration of the present Application in view of the foregoing amendments and the following remarks/arguments. Claims 1-71 were originally filed with the present Application. By prior Amendment, claims 1 and 43 were amended, and claims 22-42 were canceled without prejudice or disclaimer in response to a Restriction Requirement. By this Amendment, claims 1 and 43 are again amended, and claim 8 has been canceled. No new matter has been added. Accordingly, claims 1-7, 9-21 and 43-71 are pending in the present Application.

I.   REJECTIONS UNDER 35 U.S.C. §112

The Examiner has rejected claims 1-21 and 43-71 under 35 U.S.C. §112, first paragraph, as allegedly reciting new matter that was not described in the original specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors has possession of the claimed invention at the time the application was filed. Specifically, the Examiner believes some of the phrases added by the Applicants in the last Amendment do not expressly appear in the original specification. In response, the Applicants have amended independent claims 1 and 43 to more clearly recite the intended subject matter originally disclosed in the Application, as filed, and that is patentably distinct from the art of record.

Initially, it warrants mentioning that there is nothing in the patent laws or rules that requires exact phrases be recited in both the claims and the specification in order to satisfy the written description requirement of 35 U.S.C. §112. In spite of this fact, although the Applicants believe that the language added to claims 1 and 43 by the prior Amendment is fully supported by the original specification, claims 1 and 43 have been amended to recite language closer to language found in the original specification. Specifically, the application states that the recited "binary representation" is presentable to an application that is "prescribed by a data conversion

and a wire formatting specification." This language is referring to applications that usually require a certain format; however, the data object recited in claims 1 and 43 is still processible by such an application without conversion to that application-specific format. As mentioned many times, the ability of a typically format-specific application being able to process the disclosed binary representation of data is a key part of the present invention.

A specific example the Examiner has pointed out is the recited tagged data object "being platform independent, hardware architecture independent, and language independent". In response, the Applicants have amended this element to define the data object as the "data container" originally recited in claim 8 and 43. Since this specific embodiment has been originally and explicitly claimed in claims 8 and 43, these prior claims provide the support for calling the tagged data object a "universal data container" that the Examiner rejected as lacking in the original specification. Further to this point, if the Examiner believes it is necessary, the Applicants will amend the description in the specification to make the use of a "data container" more prominent, as opposed to optional, in order to comport with these present claims.

In addition, the Examiner also cites the phrase "without any intermediate data format conversions" as being unsupported by the original specification. The Applicants respectfully assert that this element is supported by the original specification, for example, as found on page 5, line 29, to page 6, line 5. Here, the binary format of the data is described as a wire format that is universal and enables the data to be transferred from one computer environment to another. This point is further bolstered when the specification continues, "Instead of having to convert the data into a string representation such as ASCII in an HTML/XML approach, the instant invention converts the tagged data into a binary representation of the tagged data object when wire formatting." Moreover, the Applicants have amended independent claims 1 and 43 to more

closely follow this language in the specification. This portion of the specification is disclosing universal transferability among computer environments, and then specifically addresses the benefit of avoiding data format conversion. Furthermore, the Applicants have removed the "directly" from claims 1 and 43, and have also amended these claims to remove the recitation of "any application" in "any computer environment" rejected by the Examiner. Although it is believed that these limitations are also supported, claims 1 and 43 now recite that the tagged data object is "presentable to and processible by" a CPU "processing data for an application that is prescribed by a data conversion and a formatting specification and that is operating in any computer environment."

As mentioned above, the tagged data object is a data container that is platform, hardware, and language independent. As recited in the claims, the present invention permits an application that is typically limited to a specific data conversion and formatting specification to be able to process the data element because of its encapsulation in the universal tagged data object, i.e., the data container. A primary benefit of the present invention is that the tagged data is not only processible in any computer environment (because of the universal nature of the data container that comprises the tagged data object), but that it is also presentable and processible by an application that is typically limited to processing only a certain data format. Of course, those skilled in the art understand that an application processes data in a specific format by first having the data converted from its application-specific language to a binary representation (known as "machine language" or "machine level code") and then processing the data in that binary representation. In contrast to this conventional approach, the present claims recite a method of presenting data that avoids the intermediate format conversion step from the application-specific format to a processible binary format that is completely common in computing environments and

universally used by running applications. Thus, claims 1 and 43 recite, among other things, a combination of providing a data container ("tagged data object") that is universal among platforms, architectures and languages (i.e., environments), along with a binary representation of that data container this is also universal to applications because it is already in the binary format (for example, in a wire format) used by all applications to process data when it is presented to the application for processing. In view of the above discussion, the Applicants respectfully assert that the pending claims, as amended, do not recite new matter and thus should be fully examined on their merits.

II. REJECTIONS UNDER 35 U.S.C. §103

The Examiner has rejected claims 1-21 and 43-71 under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent No. 6,477,580 to Bowman in view of U.S. Patent No. 6,665,861 to Francis, *et al.*, and further in view of U.S. Patent No. 6,438,559 to White, *et al.* In the present Amendment, Applicants have amended independent claims 1 and 43 to further clarify the invention(s) originally disclosed and claimed in the present Application. Applicants respectfully assert that independent claims 1 and 43, as amended, are not obvious in view of the cited combination of references for multiple reasons set forth in detail in the prior Amendments, as well as the reasons set forth below.

In the present Office Action, the Examiner primarily maintains the original rejections from the prior Office Action since patentable weight was not given to many of the claim amendments made in the Applicants' prior Amendment for the reason discussed above. As discussed in detail above, in response to the Examiner's belief that the prior claim amendments presented new matter in the Application, the Applicants have amended independent claims 1 and 43 to more clearly recite that the tagged data object for storing data is a universal data container

that is platform independent, hardware architecture independent, and language independent, and provides universal manipulation and aggregation by computer processing units of the tagged data therein. Moreover, independent claims 1 and 43 have also been amended to recite that the tagged data is packed as "a binary representation of the tagged data object that is transferable among, and presentable to and processible by, without any intermediate data format conversions, any computer processing unit processing data for use by an application that is prescribed by a data conversion and a formatting specification and that is operating in any computer environment."

As discussed in the prior Amendment, Bowman merely discloses browsers that employ HTML and XML formats to process data they receive, both sets of received data being textual formats that are not the recited binary representations of data suitable for immediate processing by CPUs that are processing data for application-level programs. Stated another way, any binary data transmissions disclosed in Bowman are application-level representations of data, and are not the binary code executable by CPUs as recited in the presently amended claims. Bowman also does not disclose the presently claimed universal tagged object that is platform, architecture, and language independent, as asserted by the Examiner. Specifically, Bowman does not disclose a universal tagged object that provides universal manipulation and aggregation of tagged data (that includes a data element and a corresponding binary tag id) by computer processing units processing data for use by an application that is typically "prescribed by a data conversion and a formatting specification," as recited in amended claims 1 and 43. Since these limitations are expressly recited in independent claims 1 and 43 and fully supported by the original specification, as discussed above, Bowman clearly does not disclose all of the limitations of these claims.

By addressing the deficiencies of Bowman in the above discussion, the Applicants do not intend to try to overcome the rejection under §103 by attacking Bowman individually "where the rejections are based on a combination of references." Instead, the Applicants are simply addressing elements recited in the pending claims that Bowman is being relied upon for teaching. While the entire rejection under §103 is asserted by a combination of references, the Applicants are entitled to identify a recited claim element that is missing from any reference being asserted for teaching such an element. Thus, if Bowman does not teach all of the claim limitations that it is being cited for, then the Applicants are entitled to point out this deficiency. Then, if it is shown that none of the references cited for teaching that specific limitation actually disclose it, then even the combination of references would no longer present a *prima facie* case of obviousness of independent claims 1 and 43 since a limitation would be missing from any references within that combination.

Along this same line of reasoning, Francis also does not disclose the use of a binary representation of data as recited in amended claims 1 and 43. Like Bowman, Francis discloses the use of a textual format and not the type of binary representation of data now explicitly recited in independent claims 1 and 43. Likewise, White also does not disclose this limitation, and, as pointed out by the Examiner, is not relied on for such teachings. Thus, if none of the reference cited teach a limitation of amended claims 1 and 43, as is the case here, then the Applicants are entitled to point out such deficiency since the lack of that element destroys the *prima facie* case of obviousness against the pending claims. Since none of these cited references teach the missing element or elements, that lack of a *prima facie* case of obviousness in view of the amendments to claims 1 and 43 is precisely what has happened here.
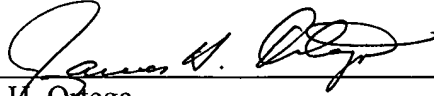
For all of the prior reasons set forth in prior Amendments, as well as the reasons set forth above and the present amendments to independent claims 1 and 43, the combination of Bowman, Francis and White, does not teach or suggest all of the elements recited in independent claims 1 and 43. Since the pending dependent claims depend from independent claims 1 and 43, respectively, these claims are also not obvious in view of the cited references. Accordingly, Applicants respectfully request that the Examiner withdraw the §103(a) rejection with respect to the pending claims.

III.   CONCLUSION

Applicants respectfully submit that pending claims 1-7, 9-21 and 43-71 are in condition for allowance, and request a Notice of Allowability for the pending claims. The Examiner is invited to contact the undersigned Attorney of Record if such would expedite the prosecution of the present Application. This Amendment is being filed within four months of the mailing date of the pending Office Action (October 17, 2005), and includes the required request for a one-month extension of time and accompanying fee. In addition, the present Amendment is being filed with a Request for Continued Examination, along with the appropriate fee. If it is determined that additional fees are due, or an overpayment has occurred, please charge or credit Deposit Account No. 13-0480, referencing Attorney Docket Number 68156755.5007.

Respectfully submitted,

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James H. Ortega
Reg. No. 50,554
BAKER & McKENZIE LLP
2300 Trammell Crow Center
2001 Ross Avenue
Dallas, TX 75201
Tel: (214) 978-3058
Fax: (214) 978-3099